

## MEMORANDUM AND ORDER

Pending before the Court is Third Party Defendant Watts Water Technologies, Inc.'s ("Watts") notice of nonsuit as to intervenor Farmers Insurance Exchange. The motion, Docket No. 34, is hereby **DENIED WITHOUT PREJUDICE TO REFILING**. If Watts wishes to refile the motion, it should confer with all other parties to this suit as to whether they oppose the motion. The refiled motion should include a certificate of conference indicating whether or not the motion is opposed by any party.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the day of January 2006.

KEITHP. ELLISON

UNITED STATES DISTRICT JUDGE

TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT ONE BY THE COURT.